

MAY 05 2000

FILED

STATE OF NEBRASKA )  
DEPARTMENT OF INSURANCE, )  
 )  
PETITIONER, )  
 )  
VS. )  
 )  
TRACY L. MCGEE, )  
 )  
RESPONDENT. )

CONSENT ORDER

CAUSE NO. A-1402

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Manuel Montelongo, and Tracy L. McGee, ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb.Rev.Stat. §44-101.01 and §44-4001, et seq.
2. Respondent was licensed as an insurance agent under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Tracy McGee on April 3, 2000. A copy of the petition was served upon the Respondent at the Respondent's address registered with the Department by certified mail, return receipt requested.
2. The petition alleges that Respondent violated Neb.Rev.Stat. §44-4028 (2), (5), (6), and (11) as follows:

- a. On or about May 10, 1999 the Respondent submitted an application for cancer and accident insurance to American Family Life Assurance Company of Columbus ("AFLAC") for Jeremy Meyer, of North Platte Nebraska without Meyer's consent and which application contained a forged signature of Meyer. This application resulted in a premium payment through the payroll deduction of Meyer.
- b. On or about June 8, 1999 the Respondent submitted an application for cancer and accident insurance to AFLAC for Andrie Olson of North Platte, Nebraska without Olson's consent, which contained a misrepresentation about Ms. Olson's marital status. Quality Inn, Ms. Olson's employer, made a premium payment to AFLAC for this insurance coverage on behalf of Ms. Olson.
- c. Between the dates of June 8 and November 8, 1999, Respondent submitted to AFLAC group health insurance for employees of Quality Inn & Suites.
- d. Between the dates of June 8 and November 8, 1999, Respondent submitted applications of insurance with forged signatures of 27 applications for AFLAC insurance.
- e. Between the dates of May 10 and November 8, 1999, Respondent submitted to AFLAC applications for insurance that misrepresented the applicant age and family status.

3. The Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits the allegations contained in the Petition and restated in Paragraph #2 above.

#### CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Neb.Rev.Stat. §44-4028 (2), (5), (6), and (11).

#### CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, Tracy L. McGee, that Respondent's Nebraska insurance producers license be revoked. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department to make application for such further orders as may be necessary.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his or her signature below.

Manuel Montelongo  
Manuel Montelongo  
Attorney for Nebraska  
Department of Insurance  
941 "O" Street, Suite 400  
Lincoln, Nebraska 68508  
(402) 471-2201

May 5, 2000  
Date

Tracy L. McGee  
Tracy L. McGee  
Respondent  
05-04-2,000  
Date

\_\_\_\_\_  
Attorney for Respondent

\_\_\_\_\_  
Date

State of Nebraska )  
County of Hall ) ss.  
County of Hall )

On this 4<sup>th</sup> day of <sup>May</sup> ~~April~~, 2000, Tracy L. McGee personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.

Lorissa Hartman  
Notary Public



I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Tracy L. McGee, Cause No. A-1402.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



L. TIM WAGNER  
Director of Insurance

5/6/00

Date

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent at Respondent's registered address of 611 W. 4<sup>th</sup> St, Grand Island, NE 68801 by certified mail, return receipt requested on this 5<sup>th</sup> day of ~~April~~ <sup>May</sup>, 2000.

